

KOURTNEY C. VACCARO
Chief of Enforcement
ANGELA J. BRERETON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 09/030
)
)
MICHAEL GALLAGHER, OAK VALLEY) STIPULATION, DECISION and
MANAGEMENT, INC., GALLAGHER) ORDER
MANAGEMENT COMPANY, and GMC)
OAK HILLS 66, LP,)
)
)
Respondents.)
)

Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission, and Respondents Michael Gallagher, Oak Valley Management, Inc., Gallagher Management Company, and GMC Oak Hills 66, LP, agree that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Section 18361.1 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear at any administrative hearing held in this matter, to be represented by an

1 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the
2 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
3 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

4 It is further stipulated and agreed that Respondents Michael Gallagher, Oak Valley Management,
5 Inc., Gallagher Management Company, and GMC Oak Hills 66, LP, violated the Political Reform Act
6 by failing to timely file, in paper format, six semi-annual campaign statements, and in paper and
7 electronic formats, one semi-annual campaign statement, in violation of Government Code Sections
8 84200, subdivision (b), and 84605, subdivision (a) (6 counts), failing to timely file two late contribution
9 reports in violation of Government Code Section 84203 (2 counts), and failing to disclose a \$50,000
10 contribution in a semi-annual statement in violation of Government Code Sections 84200, subdivision
11 (b), and 84211, subdivision (k)(5) (1 count), as described in Exhibit 1. Exhibit 1 is attached hereto and
12 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
13 the facts in this matter.

14 Respondents agree to the issuance of the Decision and Order, which is attached hereto.
15 Respondents also agree to the Commission imposing upon Respondent an administrative penalty in the
16 amount of Twenty Thousand Dollars (\$20,000). A cashier's check from Respondents in said amount,
17 made payable to the "General Fund of the State of California," is submitted with this Stipulation as full
18 payment of the administrative penalty, to be held by the State of California until the Commission issues
19 its Decision and Order regarding this matter. The parties agree that in the event the Commission refuses
20 to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
21 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in
22 connection with this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and
23 agree that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
24 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
25 shall be disqualified because of prior consideration of this Stipulation.

26 ///

27 ///

1 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

4 Dated: _____

Michael Gallagher, individually and on behalf of
Respondents Oak Valley Management, Inc., Gallagher
Management Company, and GMC Oak Hills 66, LP

DECISION AND ORDER

The foregoing Stipulation of the parties “In the Matter of Michael Gallagher, Oak Valley Management, Inc., Gallagher Management Company, and GMC Oak Hills 66, LP, FPPC No. 09/030,” including all attached exhibits, is hereby accepted as the final Decision and Order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____

Ross Johnson, Chairman
Fair Political Practices Commission